

government's motion and sentenced defendant in this case to a term of imprisonment of 156 months, a term of supervised release of 10 years with conditions, a special assessment of \$100 and no fine.

3. After defendant was sentenced, the District Attorney General for the Fourth Judicial District, Jimmy Dunn, went to trial in July, 2010, in the case of *State of Tennessee v. Toby Tobias Senter*. Defendant Senter was charged with first degree murder, and this defendant had provided to authorities information regarding testimony he could give in the murder trial. At the request of General Dunn, the undersigned helped to coordinate with the U.S. Bureau of Prisons the return of defendant to Cocke County for the trial in July. After the trial, which resulted in a first degree murder conviction of Senter, General Dunn contacted the undersigned and recommended that defendant be rewarded for his willingness to testify against Senter, although defendant was not actually called to testify. General Dunn said that defendant not being called was a result of trial strategy only, and had nothing to do with defendant not having useful testimony to provide.

4. This court has jurisdiction to reduce defendant's sentence pursuant to Rule 35(b)(2)(B). In light of this additional cooperation, the United States recommends that the court reduce defendant's sentence from a total term of imprisonment of 156 months to 144 months with all other aspects of the sentence remaining intact.

Respectfully submitted this the 8th day of June, 2011.

WILLIAM C. KILLIAN
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By:

s/ David C. Jennings
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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2011, a copy of the foregoing motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail.

s/ David C. Jennings

David C. Jennings

Assistant United States Attorney